

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America

v.

Juan Rubi-Munoz,
a.k.a.: Juan Rubi Munoz,
(A090 113 251)

Defendant

Case No.

17-7505MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 16, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Juan Rubi-Munoz, an alien, was found in the United States of America at or near Mesa, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about April 27, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jonathan R. Hornok

☒ Continued on the attached sheet.

Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 17, 2017

Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 16, 2017, Juan Rubi-Munoz was encountered by the Phoenix Fugitive Operations Unit 2 (FUG-OPS 2) during a vehicle stop in Mesa, Arizona. FUG OPS 2 officers determined Rubi-Munoz to be a citizen of Mexico, illegally present in the United States. On the same date, Rubi-Munoz was transported to the Phoenix ICE office for further investigation and processing. Rubi-Munoz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Juan Rubi-Munoz to be a citizen of Mexico and a previously deported criminal alien. Rubi-Munoz was removed from the United States to Mexico at or near Calexico, California, on or about April 27, 2014, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Rubi-Munoz in any Department of Homeland Security database to

suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Rubi-Munoz's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Juan Rubi-Munoz was convicted of Solicitation to Possess Marijuana for Sale, and Possession or Use of Marijuana, both felony offenses, on November 30, 2009, in the Superior Court of Arizona, Maricopa County. Rubi-Munoz was sentenced to four and a half (4.5) years' incarceration. Rubi-Munoz's criminal history was matched to him by electronic fingerprint comparison.
5. On October 16, 2017, Juan Rubi-Munoz was advised of his constitutional rights. Rubi-Munoz freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 16, 2017, Juan Rubi-Munoz, an alien, was found in the United States of America at or near Mesa, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near

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Calexico, California, on or about April 27, 2014, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 17th day of October, 2017.



Bridget S. Bade,
United States Magistrate Judge